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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,202	07/22/2003	Kian Khalooghi	158511-0003	1802
1622	7590	02/25/2005	EXAMINER	
IRELL & MANELLA LLP 840 NEWPORT CENTER DRIVE SUITE 400 NEWPORT BEACH, CA 92660			ALPERT, JAMES M	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/626,202	KHALOOGHLI ET AL.
Examiner	Art Unit	
James Alpert	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 7/22/2003.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-13 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>07/16/2003</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

The application has been examined, and Claims 1-13 are pending. The objections and rejections are as stated below.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. §101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-7 are rejected under 35 U.S.C. §101 because the claimed invention is directed to a non-statutory subject matter. Specifically the method claims as presented do not claim a technological basis in the pre-amble and the body of the claim. Without a claimed basis, the claim may be interpreted in an alternative as involving no more than a manipulation of an abstract idea and therefore non-statutory under 35 U.S.C. §101. In contrast, a method claim that includes in the body of the claim, some structural / functional interrelationship which can only be computer implemented is considered to have a technological basis [See *Ex parte Bowman*, 61 USPQ2d 1669, 1671 (Bd. Pat. App. & Inter. 2001) - used only for content and reasoning since not precedential].

Claims 1-7 are directed toward a method of centralizing access to vehicle debt payoff information. However, the preamble and the body of the claims do not indicate that a computer system executes the method. In order to over come the 101 rejections above, the following preamble is suggested:

A computer implemented method for ---, or something similar.

Appropriate correction is recommended.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sinnott, U.S. Patent Application Publication #20040010419 in view of Vagim et al, U.S. Patent Application Publication #20030041019.

**With regard to Claims 1,8, Sinnnot teaches the system and method comprising:**

uploading current debt payoff information to a database on a server computer system from computer systems of a plurality of lending institutions, (Page 4, Paras. 58 and 65)

said database including a plurality of records for each of said plurality of lending institutions, (Page 8, Para. 114, describing that a requestor put the creditor name and loan account identifier, indicating that for each creditor there will be several different accounts)

wherein said plurality of records includes borrower identification and debt payoff information for a respective plurality of borrowers; (Page 3, Para. 38; Page 5, Para. 72)

With regard to the following limitation:

updating said current debt payoff information periodically,

the examiner treats this limitation as an inherent property of an accounting database system as claimed by applicant. As payments are made on a debt account, records are updated to reflect decreasing balances as they occur.

Continuing the analysis, Sinnnot teaches the system and method comprising:

accessing a portion of said current debt payoff information from said database (Page 5, Paras. 74-76)

said portion of said current vehicle debt payoff information including said borrower identification and current loan amount. (Page 5, Paras. 74-76)

Sinnot does not expressly disclose that its method and system of delivering loan payoff information is expressly designed for vehicle information for use by a vehicle dealership. However, retrieving credit information on by a "vehicle dealership" is old and well known in the art, and is disclosed by Vagim at (Page 1, Para. 10), describing retrieving a credit report in relation to an automobile loan). It would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to combine the teachings of Sinnot related to retrieving debt payoff information with the teachings of Vagim, relating to retrieving vehicle debt information for vehicle dealerships. The motivations for such a combination is found in Vagim at (Page 1, Para. 6) which emphasizes the importance of streamlining vehicle loan approvals.

Please note that in the alternative to combining references under 35 U.S.C 103, Sinnot can be considered analogous art to that of the present application. Sinnot describes the same problem as that described by applicant, which is how to remotely access debt payoff information of a potential buyer of some asset. The inventions by Sinnot and applicant are considered within the same field of endeavor, and attention is directed to George J. Meyer Manufacturing Company v. San Marino Elect. Corporation, 422 F.2d 1285,1288-89 (9<sup>th</sup> Cir. 1970). In that case, the art of tracking stars and missiles was held to be analogous to the art of inspecting bottles for foreign objects, on the grounds that both were concerned with detecting an object having distinct light or dark characteristics in a background of different light or dark characteristics. The examiner takes the position that Sinnot need not teach specific reference to a vehicle

environment in that the actual field of endeavor is to provide debt payoff information regarding a first asset in order to accommodate purchase or lease of a second asset.

**With regard to Claims 2,9,** Sinnot teaches a system and method comprising:

accessing the portion of said current vehicle debt payoff information by accessing said database over an Internet connection. (Page 7, Para. 107)

**With regard to Claims 3,10,** Sinnot teaches a system and method comprising:

accessing the portion of said current vehicle debt payoff information by accessing said database over a telephone line connection. (Page 4, Para. 66)

**With regard to Claims 4,11,** Sinnot teaches a system and method comprising:

authenticating one or more of said plurality of lending institutions as being authorized lending institutions. (Page 6, Para. 95, describing unique ID's used for verification)

**With regard to Claims 5,12,** Sinnot does not teach a system and method where:

debt payoff information is used by the vehicle dealership in the preparation of a vehicle contract involving one of said plurality of borrowers.

However, Vagim does teach this limitation at (Page 1, Para. 10). It would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to combine the teachings of Sinnot related to retrieving debt payoff information with the teachings of Vagim, relating to retrieving vehicle debt information and other credit information for purposes of financing a vehicle or vehicle dealerships. The motivations for such a combination is found in Vagim at (Page 1, Para. 6) which emphasizes the importance of streamlining vehicle loan approvals.

**With regard to Claim 6,** which claims a method comprising:

updating said current vehicle debt payoff information periodically where the periodic update of one lending institution is different from the periodic update of other lending institutions,

the examiner treats this limitation as an inherent property in an accounting database system as claimed by applicant. Each institution operates its accounting systems independently, and the timing of payments can vary from loan to loan. Records are updated to reflect decreasing balances. Since the institutions are independent of each other, these updates would naturally be reported at different times.

**With regard to Claims 7,13, which claim a system and method comprising:**  
updating said current vehicle debt payoff information by said plurality of lending institutions at different periodic intervals,  
the examiner treats this limitation as an inherent property of an accounting database system as claimed by applicant. Each institution operates its accounting systems independently, and the terms of payment, including the rate at which payments must be submitted, can vary from loan to loan. Records are updated to reflect decreasing balances as they occur. Since the institutions are independent of each other, these updates would naturally be reported in different intervals of time.

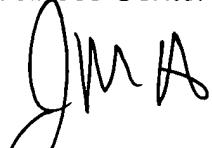
### ***Conclusion***

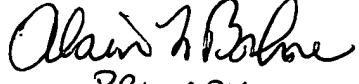
The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a) Dykstra et al., U.S. Patent #5930776, July 27, 1999, Lender Direct Credit Evaluation and Loan Processing System.
- b) Zoffel et al., U.S. Patent #5274547, December 28, 1993, System for Generating and Transmitting Credit Reports
- c) Skurtovich et al., U.S. Patent #20040243539, December 2, 2004, System, Method, and Software for Providing Persistent Business Entity Identification and Linking Business Entity Information in an Integrated Data Depository.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Alpert whose telephone number is (703) 305-4001. The examiner can normally be reached on M-F 9:00-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Respectfully,

  
James M. Alpert  
February 17, 2005

  
Alan T. Bobone  
PRIMARY  
AV. 3624